

Joshua J.C. Ulloa  
Fed. Reg. No. 02758-093  
FPC Yazoo (Satellite Camp)  
P.O. Box 5000  
Yazoo City, MS 39194

**FILED**  
DISTRICT COURT OF GUAM

Pro-Se.

APR 16 2012

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF GUAM  
(HAGATNA)

JEANNE G. GUINATA  
CLERK OF COURT

UNITED STATES OF AMERICA,  
Respondent,

-vs-

JOSHUA J.C. ULLOA,  
Petitioner.

Civil No. 10-00028

D.C. No. 1:07-CR-00111-1;  
1:08-CR-00013.

(Chief Judge Tydingco-Gatewood).

**MOTION REQUESTING EXPEDITED REVIEW OF § 2255 PROCEEDINGS**

COMES NOW, Joshua J.C. Ulloa, (Hereinafter "Ulloa"), proceeding pro-se, an incarcerated federal prisoner presently housed at the Yazoo Satellite Camp located in Yazoo, Mississippi, hereby respectfully ask this Honorable Court to grant his motion for requesting expedited review of the section 2255 proceedings.

Mr. Ulloa files the instant motion to address a significant delay in adjudicating the motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255. Mr. Ulloa contends the present delay impedes his ability to seek judicial review of a improper 14 level upward departure in violation of the Double Jeopardy Clause. If Mr. Ulloa's claim of ineffective assistance of counsel is meritorious this would effectively result in removal of the 14 level upward departure at a re-sentencing hearing and a immediate release from prison.

Therefore, Mr. Ulloa humbly comes before the Honorable Court seeking an expedited review of his double jeopardy claim.

## INTRODUCTION

Mr. Ulloa is serving a 87 month term of imprisonment following his conviction for Drug User In Possession Of A Firearm (Count 1), in violation of 18 U.S.C. § 922(G)(3) and 18 U.S.C. § 924(A)(2); Conspiracy To Manufacture Methamphetamine 21 U.S.C. § 841(A)(1) and 18 U.S.C. § 846. See: Doc. No. 1.

On June 9, 2010, Mr. Ulloa provided prison staff at USP Lompoc a postage affixed envelope with his 28 U.S.C. § 2255 motion enclosed. Due to deficiencies in the prison mail chain, the § 2255 motion was not received by the Clerk of Court until November 1, 2010. See: Doc. No. 148.

On April 13, 2011, the district court sua sponte raised the issue of the statute of limitations and provided Mr. Ulloa an opportunity to explain the late filing as opposed to dismissing the case. The Court issued an order to show cause. See: Doc. No. 155.

On July 26, 2011, Mr. Ulloa filed a reply to the order to show cause. See: Doc. No. 162. On January 12, 2012, the Government in its reply brief conceded to Mr. Ulloa timely filing the § 2255 motion with prison officials. See: Doc. No. 67.

Since the last filing no further action has been taken in the case at bar.

## PURPOSE FOR REQUEST

Mr. Ulloa provided his § 2255 motion to staff over 22 months ago for filing in the United States District Court of Guam. The § 2255 motion claim of double jeopardy in this matter may only be classified as undisputed where the facts establish Mr. Ulloa plead to an identical offense in the Superior Court of Guam, as the 14 level upward departure is premised upon.

The delay in this matter is prejudicial to Mr. Ulloa, in that the said 14 level upward departure increased his term of imprisonment. Without the illegally imposed upward departure Mr. Ulloa would qualify for an immediate release from prison.

In short, the present delay in the adjudication of the § 2255 motion may in fact result in Mr. Ulloa being illegally imprisoned, or better worded serving the illegal portion of the sentence.

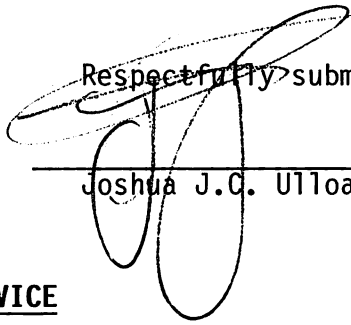
As the status quo prejudices Mr. Ulloa, this Honorable Court is respectfully asked to grant expedited review of Mr. Ulloa's ineffective assistance of counsel claim in violation of the double jeopardy clause and his constitutional rights.

**CONCLUSION**

WHEREFORE, the aforementioned reason(s) Mr. Ulloa respectfully prays this Honorable Court grants his request.

Date: April 9, 2012.

Respectfully submitted,

  
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Joshua J.C. Ulloa, pro-se.

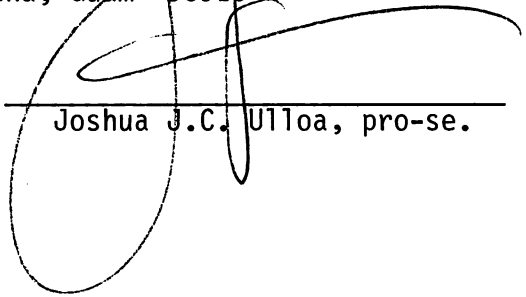
**CERTIFICATE OF SERVICE**

I, JOSHUA J.C. ULLOA, hereby certify that a true and correct copy of the following motion requesting expedited review of the § 2255 proceedings has been forwarded to the parties listed below. The motion has been provided to prison officials in accordance with legal mail procedures.

(1) United States Attorney's Office  
Attn: Rosetta L. San Nicola, AUSA.  
Sirena, Suite 500  
108 Herman Cortez Avenue.  
Hagatna, Guam 96910

(3) United States District Court  
for the District of Guam  
Attn: Pro-Se Clerk of Court  
520 Soledad Avenue,  
Hagatna, Guam 96910

Date: April 9, 2012.

  
\_\_\_\_\_  
Joshua J.C. Ulloa, pro-se.

Joshua J.C. Ulloa  
Fed. Reg. No. 02758-093  
Yazoo Satellite Camp  
P.O. Box 5000  
Yazoo, Mississippi 39194

April 9, 2012.

To: United States District Court  
for the District of Guam  
Attn: Pro-Se Clerk of Court  
520 Soledad Avenue.  
Hagatna, Guam 96910

Re: USA v. Joshua J.C. Ulloa  
Civil No. 10-00028; Criminal No. 1:07-CR-00111-1; et al

Dear Pro-Se Clerk of Court;

I'm corresponding with your office in an effort to file the enclosed motion requesting expedited review of the section 2255 motion. I would ask that you please forward a stamped filed stamped copy of the motion to me, or alternatively an updated docket sheet.

Your assistance is greatly appreciated in respects to this matter. I thank you in advance, and patiently await your response.

Cordially,

Joshua J.C. Ulloa.

**RECEIVED**

APR 16 2012

**DISTRICT COURT OF GUAM  
HAGATNA, GUAM**